



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,848	02/28/2002	Masao Mikumo	763-30	7368

7590 09/20/2005

Rocco S Barrese
Dilworth & Barrese
333 Earle Ovington Boulevard
Uniondale, NY 11553

EXAMINER

ALEXANDER, LYLE

ART UNIT	PAPER NUMBER
----------	--------------

1743

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 10/069,848	Applicant(s) MIKUMO ET AL.	
	Examiner Lyle A. Alexander	Art Unit 1743	

All participants (applicant, applicant's representative, PTO personnel):

(1) Lyle A. Alexander. (3) _____.

(2) Mr. Kaplan. (4) _____.

Date of Interview: 16 September 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: none.

Identification of prior art discussed: none.

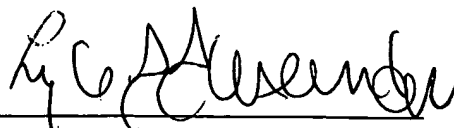
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' faxed a request for reconsideration of the 7/19/05 final that has not been entered into the file by the Office. Applicants' have provided a copy of the auto reply fax receipt from the Office dated 8/3/05 and the request for reconsideration. Applicants have based the request for reconsideration on the fact the 7/19/05 final Office action did not address new claim 40. The Office will consider the request and send out either a new final rejection or a new non-final rejection. Either scenario will restart the period for response.

USPTO 8/3/2005 12:08 PM PAGE 1/001 Fax Server
 O:Auto-reply fax to 5162284975 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 5162284975

Fax Information

Date Received:

8/3/2005 12:05:36 PM [Eastern Daylight Time]

Total Pages:

1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

AUG.03'2005 10:58 5162284975		DILWORTH & BARRESE		08821 P.303/333	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE					
Applicant(s):	Mitomo et al.	Examiner:	L. Alexander		
Serial No:	10,009,846	Group/Art Unit:	1749		
Filed:	February 28, 2002	Docket:	763-80		
Re:	INDICATOR FOR PLASMA STERILIZATION	Dated:	August 3, 2005		
Commissioner for Patents P.O. Box 1480, MAIL STOP AF Alexandria, VA 22313-1480					
REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION					
It is respectfully requested finality of the Office Action mailed July 19, 2005 by the Patent and Trademark Office in the above-identified application, be withdrawn for the following reasons.					
Claims 1-40 are pending in the present application as noted on the Office Action Summary Page.					
Claim 40 having been added by the Amendment filed March 11, 2005. However, the Office Action fails to set on Claim 40.					
Therefore, contrary to the assertion on page 3 of the Office Action, all claims are not drawn to the same invention claimed in the earlier application. Withdrawal of finality of the Office Action and treatment of Claim 40 on the merits are therefore earnestly solicited.					
Respectfully submitted,					
 George M. Kaplan Reg. No. 26,375 Attorney for Applicant(s)					
DILWORTH & BARRESE, LLP 333 East Ovington Boulevard Uniondale, New York 11553 (916) 226-8084					
CERTIFICATE OF FACSIMILE					
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (1-703-872-9300) on the date shown below.					
Dated:	August 3, 2005				
 George M. Kaplan					
-1-					
PAGE 1/1 * RCVD AT 8/2/05 12:04:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/27 * DNIS:2731254 * CSID:5162284975 * DURATION (mm-ss):01-02					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mikumo et al. Examiner: L. Alexander
 Serial No: 10/068,849 Group/Art Unit: 1743
 Filed: February 28, 2002 Docket: 763-30
 For: INDICATOR FOR PLASMA Dated: August 3, 2005
 STERILIZATION

Commissioner for Patents
 P.O. Box 1450- MAIL STOP AF
 Alexandria, VA 22313-1450


REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

It is respectfully requested finality of the Office Action mailed July 19, 2005 by the Patent and Trademark Office in the above-identified application, be withdrawn for the following reasons.

Claims 1-19 are pending in the present application as noted on the Office Action Summary Page. Claim 40 having been added by the Amendment filed March 11, 2005. However, the Office Action fails to act on Claim 40.

Therefore, contrary to the assertion on page 3 of the Office Action, all claims are not drawn to the same invention claimed in the earlier application. Withdrawal of finality of the Office Action and treatment of Claim 40 on the merits are therefore earnestly solicited.

Respectfully submitted,


 George M. Kaplan
 Reg. No. 28,375
 Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
 333 Earle Ovington Boulevard
 Unkondele, New York 11853
 (516) 228-8484

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (1-703-872-6306) on the date shown below.

Dated: August 3, 2005


 George M. Kaplan

-1-

TX RESULT REPORT

NAME: DILWORTH BARRESE
 TEL : 5162284975
 DATE: AUG. 03 '2005 10:56

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
6521	TX	01	17038729306	AUG. 03	10:56	001	00H00'25"	ECM	OK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Mikumo et al.	Examiner:	L. Alexander
Serial No:	10/069,848	Group:Art Unit:	1743
Filed:	February 28, 2002	Docket:	783-30
For:	INDICATOR FOR PLASMA STERILIZATION	Dated:	August 3, 2005

Commissioner for Patents
P.O. Box 1450- MAIL STOP AF
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

It is respectfully requested finality of the Office Action mailed July 19, 2005 by the Patent and Trademark Office in the above-identified application, be withdrawn for the following reasons.

Claims 1-40 are pending in the present application as noted on the Office Action Summary Page, Claim 40 having been added by the Amendment filed March 11, 2005. However, the Office Action fails to act on Claim 40.

Therefore, contrary to the assertion on page 3 of the Office Action, all claims are not drawn to the same invention claimed in the earlier application. Withdrawal of finality of the Office Action and treatment of Claim 40 on the merits are therefore earnestly solicited.

Respectfully submitted,



George M. Kaplan
Reg. No. 28,375
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Boulevard
Uniondale, New York 11553
(516) 228-8484

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (1-703-872-9306) on the date shown below.

Dated: August 3, 2005



George M. Kaplan